

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Eugenia Ayuso, et al.

Appellant,

08 Civ. 3785 (PKC)

-against-

The New York Racing Association Inc.

BANKRUPTCY APPEAL
SCHEDULING ORDER

Appellee.
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P. KEVIN CASTEL, District Judge:

The above-captioned bankruptcy appeal has been assigned to me for all purposes.

The appeal was docketed in the District Court on April 22, 2008.

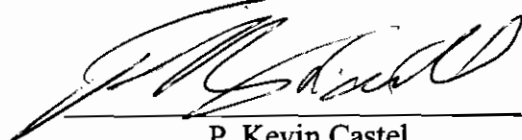
Rule 8006 of the Federal Rules of Bankruptcy Procedures requires the appellant to file "a designation of the items to be included in the record on appeal and a statement of the issues to be presented within ten (10) days of filing of the notice of appeal." See also Local Civil Rule 8007-1 (filing requirements for designated items).

The filing of appeal briefs is not excused in this case. The attention of all counsel is directed to Rule 8009 of the Federal Rules of Bankruptcy Procedures, which provides for the dates within which briefs are to be served and filed. Among other requirements, the Rule provides that the appellant shall serve and file a brief within 15 days after entry of the appeal on the docket. Dates for appellee briefs, reply briefs and briefs on cross appeals are set forth in the Rule. The time limits set forth in Rule 8009 are adopted as the Order of this Court.

THE FAILURE TO COMPLY WITH THIS ORDER AND/OR THE TIME LIMITS IN RULES 8006 OR 8009 WILL RESULT IN DISMISSAL OF THE APPEAL (IN THE CASE OF APPELLANT) OR CONSIDERATION OF THE APPEAL WITHOUT AN APPELLEE'S BRIEF (IN THE CASE OF THE APPELLEE).

The premotion conference requirement under my Individual Practices is waived for any party moving to dismiss an appeal for failure to comply with Rules 8006 and 8009. See In re Christine Charter Lynch, 430 F.3d 600 (2d Cir. 2005) (per curiam).

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 29, 2008